

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2005

Introduced by Assembly ~~Member~~ *Members Chesbro and Levine*

February 20, 2014

~~An act to amend Section 25200 of the Business and Professions Code, relating to alcoholic beverages. An act to amend Sections 19421 and 19425 of the Business and Professions Code, relating to horse racing.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2005, as amended, Chesbro. ~~Beer: labeling requirements.~~
California Horse Racing Board: membership and per diem.

Existing law, the Horse Racing Law, provides for the operation of live horse racing in this state and for wagering thereon, and for the operation of satellite wagering facilities, subject to regulation and oversight by the California Horse Racing Board, as specified. That law provides that the board consist of 7 members appointed by the Governor and that the members of the board receive a per diem of \$100 for each day spent in attendance at official meetings and be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

This bill would expand the membership of the board to 11 members, 7 public members appointed by the Governor, 2 Members of the Senate appointed by the Senate Committee on Rules, and 2 Members of the Assembly appointed by the Speaker of the Assembly. The bill would provide that Members of the Legislature shall serve a term of not more than 4 years, with no limit on the number of terms that may be served by any one Member. The bill would provide that a Member of the Legislature may participate in the activities of the board to the extent

that his or her participation is not incompatible with his or her position as a Member of the Legislature and would prohibit a legislative member of the board from receiving per diem or reimbursement for traveling and other expenses from the board for his or her service on the board.

~~The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act also provides for specified labeling requirements for containers of alcoholic beverages sold within this state, and requires that all beer sold in the state have a label affixed to its package or container with the true and correct name and address of the manufacturer of the beer and the true and correct name of the bottler of the beer if other than the manufacturer. Existing law requires a beer manufacturer that refills any container supplied by a consumer to affix a label on the container that complies with these provisions prior to its resale to the consumer.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19421 of the Business and Professions
- 2 Code is amended to read:
- 3 19421. (a) The board consists of ~~seven~~ 11 members, seven
- 4 public members appointed by the Governor, two Members of the
- 5 Senate appointed by the Senate Committee on Rules, and two
- 6 Members of the Assembly appointed by the Speaker of the
- 7 Assembly. Each public member shall hold office for a term of four
- 8 years, commencing at the expiration of the previous term. A public
- 9 member shall be eligible for reappointment at the discretion of the
- 10 Governor. Any vacancy of a public member shall be filled by the
- 11 Governor for the unexpired term.
- 12 (b) Members of the Legislature shall serve a term of not more
- 13 than four years, with no limit on the number of terms that may be
- 14 served by any one Member. A Member of the Legislature may
- 15 participate in the activities of the board to the extent that his or
- 16 her participation is not incompatible with his or her position as a
- 17 Member of the Legislature.

1 ~~Each member shall hold office for a term of four years,~~
2 ~~commencing at the expiration of the previous term.~~

3 ~~The term of the members of the board in office on January 1,~~
4 ~~1959, shall expire as follows: one member July 26, 1959, one~~
5 ~~member July 26, 1960, and one member July 26, 1961. The terms~~
6 ~~shall expire in the same relative order as to each member as the~~
7 ~~term for which he holds office on January 1, 1959.~~

8 ~~The term of the members appointed pursuant to amendments~~
9 ~~made to this section during the 1977-1978 legislative session shall~~
10 ~~expire as follows: one on January 1, 1979 and one on January 1,~~
11 ~~1982.~~

12 ~~The term of the members appointed pursuant to amendments~~
13 ~~made to this section during the 1979-80 Regular Session of the~~
14 ~~Legislature shall expire as follows: one on January 1, 1982, and~~
15 ~~one on January 1, 1984.~~

16 ~~Any vacancy shall be filled by the Governor for the unexpired~~
17 ~~term.~~

18 ~~Each member shall be eligible for reappointment in the discretion~~
19 ~~of the Governor.~~

20 *SEC. 2. Section 19425 of the Business and Professions Code*
21 *is amended to read:*

22 19425. ~~The~~ (a) *Except as provided in subdivision (b), the*
23 *members of the board shall receive a per diem of one hundred*
24 *dollars (\$100) for each day spent in attendance at meetings*
25 *scheduled by the chairperson of the board for the purpose of*
26 *fulfilling the duties of the board pursuant to this chapter, and shall*
27 *be reimbursed for traveling and other expenses necessarily incurred*
28 *in the performance of official duties.*

29 ~~Notwithstanding any other provision of law, any member of the~~
30 ~~board who is also a member of, and is entitled to receive the~~
31 ~~benefits from, the Legislators' Retirement System may elect to~~
32 ~~forego the compensation provided by this section and, if the~~
33 ~~compensation is foregone, the member shall not have his or her~~
34 ~~retirement benefits reduced and shall not be required to be~~
35 ~~reinstated into the retirement system.~~

36 (b) *A Member of the Legislature serving on the board shall not*
37 *receive per diem or reimbursement for traveling or other expenses*
38 *from the board for his or her service on the board pursuant to*
39 *subdivision (a).*

1 SECTION 1. Section 25200 of the Business and Professions Code
2 is amended to read:

3 25200. (a) All beer sold in this state shall have a label affixed
4 to the package or container thereof, containing the brand and type
5 of beer, upon which shall appear the true and correct name and
6 address of the manufacturer of the beer, and also the true and
7 correct name of the bottler of the beer if other than the
8 manufacturer.

9 (b) A manufacturer, importer, or wholesaler of beer shall not
10 use a container or carton as a package or container of a beer other
11 than the beer as is manufactured by the manufacturer whose name
12 or brand of beer appears upon the container or carton, or use as a
13 package or container of a beer a container or carton which bears
14 the name of a manufacturer of beer or the brand of any beer other
15 than those of the manufacturer of the beer contained in the
16 container or carton.

17 (c) A beer manufacturer that refills any container supplied by
18 a consumer shall affix a label that complies with this section on
19 the container prior to resale of the container to the consumer. Any
20 information concerning any beer previously packaged in the
21 container, including, but not limited to, information regarding the
22 manufacturer and bottler of the beer, or any associated brands or
23 trademarks, shall be removed or completely obscured in a manner
24 not readily removable by the consumer prior to the resale of the
25 container to the consumer. This subdivision does not authorize a
26 beer manufacturer to refill a container supplied by a consumer
27 with a capacity of five liquid gallons or more.